

REMARKS/ARGUMENTS

This amendment is in response to the decision of the Board of Patent Appeals and Interferences. In that decision, Board of Patent Appeals and Interferences reversed the Examiner's rejection of claims 1-21 based on 35 U.S.C. § 102(b). However, the Board of Patent Appeals and Interferences, did reject claims 12-19 based on 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Please reconsider the application in view of the above amendments and the following remarks. Claims 1 through 21 remain in this application. Applicants have amended claim 12. Applicants have canceled claims 20 and 21. Applicants have also amended the specification in response to the Board of Patent Appeals and Interferences rejection.

Rejection of claims under 35 U.S.C. § 102(b)

Examiner rejected claims 1-21 under 35 U.S.C. § 102(b) as being anticipated by Kenton et al. (U.S. Patent 5,479,612).

For at least these reasons articulated by the Board of Patent Appeals and Interferences, Applicant submits that the Examiner has failed to support the rejection of claims under 35 U.S.C. § 102(b) as being anticipated by Kenton et al. (U.S. Patent 5,479,612). Applicant, therefore, respectfully requests withdrawal of the rejection of the claims.

Rejection claims under 35 U.S.C. § 101

Claims 12 through 19 are rejected under 35 U.S.C. § 101 as being based on non-statutory subject matter.

Applicants have amended claim 12 and the specification remove non-statutory subject embodiments (i.e. signals, transmission mediums).

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned at the telephone number listed below.

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In this amendment, Applicant has canceled claims 20 and 21 from further consideration in this application. Applicant is not conceding that the subject matter encompassed by the claims 20 and 22 is not patentable. Claims 20 and 21 were canceled in this amendment solely to facilitate expeditious prosecution of the remaining claims. Applicant respectfully reserves the right to pursue additional claims, including the subject matter encompassed by the claims 20 and 21 as presented prior to this amendment in one or more continuing applications.

Respectfully Submitted,
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